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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

WESTERN WATERSHEDS PROJECT; et al.)	Case No.: 3:21-cv-0103-MMD-CLB
)	
Plaintiffs,)	
v.)	
)	PLAINTIFFS' MOTION TO FILE
UNITED STATES DEPARTMENT OF THE)	EXCESS PAGES IN SUPPORT
INTERIOR; et al.)	OF PLAINTIFFS' MOTION FOR
)	PRELIMINARY INJUNCTION
Defendants,)	
and)	
)	
LITHIUM NEVADA CORPORATION,)	
)	
Intervenor-Defendant.)	
)	

1 Pursuant to LR 7-3, Plaintiffs hereby move the Court for leave to file 15 excess pages in
 2 support of their Motion for Preliminary Injunction. The page limit for motions for preliminary
 3 injunction is 24 pages—six less than the pages allowed for summary judgment motions. L.R. 7-
 4 3(a), (b). Plaintiffs request a total of 39 pages for their preliminary injunction motion and brief.¹

5 Good cause exists for the Court to grant this motion given the legal and factual
 6 complexity of the case. Plaintiffs allege nine claims for relief related to Federal Defendants’
 7 high-profile decision to authorize the Thacker Pass lithium mine, the largest proposed lithium
 8 mine in the country and one of the largest open pit mines in the region. *See* Compl. ¶¶ 243-74,
 9 ECF No. 1. The District of Nevada has recognized that a case involving “numerous legal and
 10 procedural items” may warrant excess pages. Trina Solar US v. Carson-Selman, No. 2:20-cv-
 11 1308 JCM (BNW), 2020 WL 7338552, at *2 (D. Nev. Dec. 14, 2020). Indeed, this Court has
 12 granted a proposal by the State of Nevada and the mining industry to file a 45-page opening
 13 summary judgment brief, in light of the complexity of the issues in a public land case involving
 14 the greater sage-grouse (a protected federal wildlife species), like the one here. Or. on
 15 Stipulation, W. Exploration LLC v. U.S. Dep’t of the Interior, No. 3:15-cv-491-MMD-VPC (D.
 16 Nev. Dec. 24, 2015), ECF No. 61 (Exh. 1).

17 Plaintiffs’ burden in seeking a preliminary injunction is commensurate with the burden
 18 the parties (including the same Federal Defendants), and the Court, agreed warranted a 15-page
 19 extension of the 30-page limit for summary judgment motions in Western Exploration v. U.S.
 20 Department of the Interior. Here, to establish they are entitled to preliminary injunctive relief,
 21 Plaintiffs must show they are likely to succeed on the merits, they are likely to suffer irreparable
 22 harm in the absence of preliminary relief, the balance of equities tips in their favor, and an
 23 injunction is in the public interest. *See* Winter v. Natural Resources Defense Council, 555 U.S. 7,
 24 20 (2008) (outlining factors).

25
 26
 27
 28 ¹ Plaintiffs will not oppose a reasonable and commensurate extension of page limits for opposing parties to respond to their Motion for Preliminary Injunction.

Thus, in addition to supporting their nine claims on the merits, Plaintiffs also bear the burden regarding the three other factors, in six pages less than the briefing space typically allowed for summary judgment motions. Plaintiffs have tried to condense their arguments into 24 pages and have been unable to do so due to the factual and legal complexities of this case. Decl. of Talasi B. Brooks ¶ 9 (Exh. 2). Plaintiffs therefore respectfully request that the Court grant them leave to file an additional 15 pages, for a total of 39 pages, for their preliminary injunction motion/brief.

Respectfully submitted this 27th day of May, 2021.

/s/ Talasi Brooks

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CERTIFICATE OF SERVICE

I, Talasi Brooks, hereby attest that I served the foregoing and all attachments to all parties via this Court's ECF system, this 27th day of May, 2021.

/s/ Talasi B. Brooks